

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA HOLMES,

Plaintiff,

v.

AMERICAN HOME
PATIENT/LINCARE,

Defendant.

No. 4:21-CV-01683

(Chief Judge Brann)

VERDICT FORM

APRIL 10, 2024

Members of the Jury:

Answer the questions on this form as instructed by the Court. When you have completed the verdict form, each juror must sign and date the last page of the form. The foreperson should then seal the verdict form in an envelope and indicate to the bailiff that you have reached a unanimous verdict.

Question One

Question 1(a): Do you find, by a preponderance of the evidence, that American Home Patient/Lincare intentionally discriminated against Patricia Holmes by creating a hostile or abusive work environment because of her race in violation of federal law (Title 42, United States Code, Section 1981) based on the conduct of Timothy McCoy?

☒ Yes

☐ No

Question 1(b): Do you find, by a preponderance of the evidence, that American Home Patient/Lincare intentionally discriminated against Patricia Holmes by creating a hostile or abusive work environment because of her race in violation of federal law (Title 42, United States Code, Section 1981) based on the conduct of Beverly Hibbert?

☒ Yes

☐ No

If your answer is Yes to Question 1(a), proceed to Question Two.

If your answer is Yes to Question 1(b) but No to Question 1(a), proceed to Question Three.

If your answer is No for all of Question One, you have completed the verdict form. Each juror must sign and date the last page. The foreperson should then seal the verdict form in an envelope and press the buzzer to inform the bailiff that you have reached a verdict.

Question Two


Question 2(a): Do you find, by a preponderance of the evidence, that American Home Patient/Lincare has proven it exercised reasonable care to prevent racial harassment in the workplace and also exercised reasonable care to promptly correct the harassing behavior that did occur?

_____ Yes

 _____ No

Question 2(b): Do you find, by a preponderance of the evidence, that American Home Patient/Lincare has proven that Patricia Holmes unreasonably failed to take advantage of any preventive or corrective opportunities provided by American Home Patient/Lincare?

_____ Yes

 _____ No

If your answer to Question 1(a) is Yes and your answer is No to any part of Question Two, proceed to Question Three.

If your answer is Yes to the entirety of Question Two and your answer is No to Question 1(b), you have completed the verdict form. Each juror must sign and date the last page. The foreperson should then seal the verdict form in an envelope and press the buzzer to inform the bailiff that you have reached a verdict.

Question Three

Question 3(a): How much do you award in compensatory damages to Patricia Holmes from American Home Patient/Lincare?

\$ 500,000.00

If you award Plaintiff compensatory damages, proceed to Question Five.

If you do not award Plaintiff compensatory damages, proceed to Question Four.

Question Four

Question 4(a): How much do you award in nominal damages to Patricia Holmes from American Home Patient/Lincare?

\$ N/A

Proceed to Question Five.

Question Five

Question 5(a): Do you find, by a preponderance of the evidence, that American Home Patient/Lincare's actions towards Patricia Holmes were malicious or showed reckless indifference to Patricia Holmes' federally protected rights?

☒ Yes

☐ No

If you answer Yes for Question 5(a), proceed to Question 5(b) on the next page.

If you answer No to Question 5(a), you have completed the verdict form. Each juror must sign and date the last page. The foreperson should then seal the verdict form in an envelope and press the buzzer to inform the bailiff that you have reached a verdict.

Question 5(b): Do you find, by a preponderance of the evidence, that American Home Patient/Lincare has made a good-faith attempt to comply with the federal law prohibiting race discrimination?

_____ Yes

 _____ No

If you answer Yes for Question 5(b), you have completed the verdict form. Each juror must sign and date the last page. The foreperson should then seal the verdict form in an envelope and press the buzzer to inform the bailiff that you have reached a verdict.

If you answer No for Question 5(b), proceed to Question 5(c) on the next page.

Question 5(c): How much do you award Patricia Holmes in punitive damages to be imposed upon American Home Patient/Lincare?

\$ 20,000,000.00

You have completed the verdict form. Each juror must sign and date the next page. The foreperson should then seal the verdict form in an envelope and press the buzzer to inform the bailiff that you have reached a verdict.

SIGNATURES

	JUROR NAME	DATE
1		4/10/24
2		4/10/2024
3		4/10/24
4		4-10-24
5		4-10-24
6		4/10/24
7		4-10-2024
8		4-10-2024